

Appl. No. 10/574738  
Amdt. Dated June 16, 2008  
Reply to Office action of April 11, 2008

### REMARKS

Applicants thank the Examiner for acknowledging receipt of foreign priority document, Japanese Application No. JP2003-348709, that has been submitted pursuant to 35 U.S.C. § 119 and/or PCT Rule 17.2(a).

New claims 31 and 32 have been added in order to alternately define the invention as disclosed in the specification.

Without conceding the propriety of the Examiner's position, and solely to expedite prosecution, claims 1, 2, 4, and 11-14 have been cancelled without prejudice or disclaimer.

Applicants respectfully request reconsideration of the Examiner's rejection of claims 1 - 10 under 35 U.S.C. § 102(b). The Examiner has rejected these claims in view of the cited reference of *Mitani et al.* (U.S. Patent No. 5,697,144).

Applicants note that the Examiner has failed to set forth where the Mitani reference sets forth each of the claim elements contained in the first three paragraphs of the claim (See the bottom of page 2 to the top of page 3 of the last Office Action). Applicants submit that the Examiner's failure to apply the cited reference against the claims with specificity fails to meet the standards set forth in 35 U.S.C. § 132, 37 C.F.R. § 1.104, and M.P.E.P. § 706. 35 U.S.C. § 132 and 37 C.F.R. § 1.104 requires that an examiner include in the action reasons for any rejection, objection or requirement. A PTO patent application claim rejection violates Section 132 if it "is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection." *Chester v. Miller*, 906 F.2d 1574, 1578 (Fed. Cir. 1990).

Regarding the remainder of the Examiner's rejection, Applicants submit that the Examiner has improperly construed the Mitani reference. First, the only structure that reads on the claimed "individual channels" claim elements are the individual ink channels 9 (See Fig. 1 and Col. 4, lines

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49 – 57). Furthermore, the only structure that reads on the claimed “common channel” is the structure 10 (See Fig. 1 and Col. 4, lines 49 – 57).

The remaining structures cited by the Examiner 14 – 16 are individual ink supply holes formed in the wafer 1 or the frame 17. Not one of these structures reads on the claim limitation for a common channel. Specifically, these structures do not form a contiguous common channel, but rather, provide individual through-holes that supply the only common channel 10 of the disclosure.

For at least this reason, Applicants submit that claim 1 is patentably distinct over the cited art of record. Accordingly, Applicants respectfully request the Examiner withdraw the rejection, and place these claims in condition for allowance.

Applicants submit that, for at least the reason that neither structure 14, 15, or 16 forms a common channel, claims 2 – 5 can not be anticipated by the Mitani disclosure.

Specifically regarding claim 6, Applicants submit that even if element 14 were a common channel, the flow direction of liquid through the channel is not parallel to the flow direction in the individual channels 9. Rather, the flow through the elements 14 is perpendicular to the flow through the individual channels 9.

The Examiner’s remaining references cited but not relied upon, considered either alone or in combination, also fail to teach applicant’s currently claimed invention. In light of the foregoing, Applicants respectfully submit that all claims now stand in condition for allowance.

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In the event that it is deemed necessary, the Commissioner is hereby authorized to charge any fees due or to credit any overpayment to Deposit Account No. 50-3891.

Respectfully submitted,

Date:

6/17/08



(Reg. #37,607)

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